

REMARKS

In accordance with the foregoing, claims 1, 6, 7, 11, 13, 16, 24, and 25 have been amended. No new matter is being presented. Therefore, claims 1, 6-14, 16, 18, 19, 21, 22, 24, and 25 are pending and reconsideration is respectfully requested.

ENTRY OF AMENDMENT UNDER 37 C.F.R. '1.116:

Applicants request entry of this Rule 116 Response it is believed that the amendment of claims 1, 6, 7, 11, 13, 16, 24, and 25 places this application into condition for allowance, and because the amendments of the claims should not entail any further search by the Examiner since no new features are being added or no new issues are being raised.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTIONS UNDER 35 U.S.C. §112:

Claims 1, 6, 7-10, 24 and 25 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Claims 11, 24 and 25 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Dependent claims 6-14, 18-19, and 21-22 are rejected in accordance with their respective parent claims. Regarding these rejections it is noted that the claims now recite predetermined pattern(s) that are unrelated to user data. Thus, it is believed that these rejections are overcome.

Claims 1, 6-14, 16, 18-19, 21-22 and 25 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Dependent claims 8-10, 12, 14, 16, 18-19 and 21-22 are

rejected in accordance with their respective parent claims. Regarding these rejections, it is noted that the claims now recite that the optical disc is to be used with a recording/reproducing apparatus which represents adequate structure for the claimed invention. Thus, it is believed that these rejections are overcome.

REJECTIONS UNDER 35 U.S.C. §102:

Claims 1, 6-10 and 25 are rejected under 35 U.S.C. §102(b) as being anticipated by Aoki, Japanese Publication No. 2000-195060. However, it is noted that applicants' previous arguments for traversal presented in the November 1, 2005 Response were not properly considered as the rejection has been substantially repeated and as there are no additional arguments in the "Response to Arguments" section of the Office Action. Therefore, in view of the current amendments to the claims and the previous arguments which are incorporated herein, applicants respectfully assert that the rejections are traversed and that the claims are allowable.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 11, 12-14, 16, 18, 19, 21-22 and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Aoki, Japanese Publication No. 2000-195060 in view of Hui U.S. Patent No. 4,229,808. However, since claims 11 and 24 recite substantially similar features as claim 1, it is noted that the defects of Aoki with respect to claim 1 are substantially revisited in the rejections of claims 11 and 24. Further, it is noted that the additional citation of Hui does not cure these defects. Thus, claims 11 and 24 and dependent claims 12-14, 16, 18, 19, 21, and 22 are patentably distinguished from any combination of the references. Therefore, these claims are believed to be allowable.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited. Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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Date: _____

5/5/08

By: _____



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